

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 1:17-cr-10060-JDB-1

JERRY WAYNE PATE,

Defendant.

ORDER DIRECTING CLERK TO OPEN CASE AND FILE DOCUMENT

The Defendant, Jerry Wayne Pate, filed a letter on July 3, 2019, alleging that the Federal Bureau of Prisons (the “BOP”) has incorrectly calculated his release date. (Docket Entry (“D.E.”) 17.) He requests that the Court “notify [BOP counsel] that [his] jail time credit does count towards [his] federal sentence.” (*Id.* at PageID 141.) The letter is in the nature of a petition pursuant to 28 U.S.C. § 2241. *See Pierce v. United States*, No. 3:12-0121, 2012 WL 1900921, at *2 n.2 (M.D. Tenn. May 24, 2012) (citing *Sutton v. United States*, 172 F.3d 873 (6th Cir. 1998) (“a prisoner’s challenge to the execution of his sentence, including the determination of credit[s] . . . must be filed under 28 U.S.C. § 2241”); *McCoy v. Stephens*, No. 2:12-cv-02975-STA-cgc, 2014 WL 4809946, at *2 (W.D. Tenn. Sept. 26, 2014) (§ 2241 is proper vehicle for challenging BOP’s decision not to apply credits for prior state custody).

The Clerk is therefore DIRECTED to open a new civil case in which the document at D.E. 17 in the present case is filed as a case-initiating § 2241 petition.

IT IS SO ORDERED this 9th day of July 2019.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE